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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 SYLVESTER MAHONE,

10 Petitioner,

11 v.

12 SUPERINTENDENT FRANKS,

13 Respondent.
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CASE NO. C09-5394RBL

ORDER

15 The Court, having reviewed the petition, the Report and Recommendation of the Hon. J.
16 Richard Creatura, United States Magistrate Judge, objections to the Report and
17 Recommendation, if any, and the remaining record, does hereby find and Order:

- 18 (1) The Court adopts the Report and Recommendation;
19 (2) The petition for writ of habeas corpus is DENIED;
20 (3) For the reasons stated in the Report and Recommendation, the Court declines to
21 issue a certificate of appealability because the Petitioner has failed to make “a
22 substantial showing of the denial of a constitutional right.” 28 U.S.C. §
23 2253(c)(2); and
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1 (4) The Clerk is directed to send copies of this Order to petitioner and to counsel for
2 respondent.

3 DATED this 31st day of December, 2009.

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6 RONALD B. LEIGHTON
7 UNITED STATES DISTRICT JUDGE
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